

Mailing Date: NOV 26 2012

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ADMINISTRATIVE LAW JUDGE  
FOR THE  
PENNSYLVANIA LIQUOR CONTROL BOARD

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	IN RE: CITATION NO. 11-1890
LIQUOR CONTROL ENFORCEMENT	:	
	:	BLCE INCIDENT NO. W06-436697
	:	
v.	:	
	:	
	:	PLCB LID - 42923
SCHNOCH CORPORATION	:	
T/A BULLFROG BREWERY	:	PLCB LICENSE NO. R-AP-SS-EHF-14950
229-231 W. 4 <sup>TH</sup> ST.	:	
WILLIAMSPORT, PA 17701-6101	:	

**ADJUDICATION**

**BEFORE JUDGE FLAHERTY  
BUREAU COUNSEL PIETRZAK  
LICENSEE: ROBERT P. KOCH, PRO SE**

**BACKGROUND:**

This proceeding arises out of a citation that was issued on November 10, 2011, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against SCHNOCH CORPORATION, License Number R-AP-SS-EHF-14950 (hereinafter "Licensee").

The citation charges Licensee with violation of Sections 491(1), 492(2) and 493(16) of the Liquor Code [47 P.S. §§4-491(1), 4-492(2) and 4-493(16)] in that on October 3, 2011, Licensee, by its servants, agents or employees, sold alcoholic beverages after its Restaurant Liquor license expired on August 31, 2011, and had not been renewed and/or validated.

The investigation which gave rise to the citation began on September 21, 2011 and was completed on October 12, 2011; and notice of the violation was sent to Licensee by Certified Mail on October 17, 2011. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on October 17, 2012 in the Lysock Complex, 542 County Farm Road, Suite 2, Montoursville, Pennsylvania.

Upon review of the transcript of this hearing, we make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

1. Licensee's restaurant liquor license expired on August 31, 2011, and, as of October 3, 2011, it had not been renewed or validated (N.T. Exhibit C-3).
2. On October 3, 2011, an officer of the Bureau entered the licensed premises at 4:10 p.m. (N.T. 10).
3. During the course of his visit, the officer ordered a rum and coke mixed drink from the bartender. He paid \$4.00 for the drink (N.T. 11).
4. The bartender rang the \$4.00 purchase on the register, put the money in the drawer and served the officer the drink (N.T. 11).

CONCLUSION OF LAW:

The charge in the citation is **sustained**.

PRIOR RECORD:

Licensee has been licensed since October 7, 1998, and has had two prior violations:

IN RE:

Citation No. 08-1998. Fine \$250.00.

1. Failed to require patrons to vacate the premises not later than one-half hour after the required time.  
July 19, 2008.

Citation No. 11-0583. Fine \$1,250.00 and RAMP training mandated.

1. Sales to a visibly intoxicated person. March 5, 2011.

PENALTY:

Section 471 of the Liquor Code [47 P.S. §4-471] prescribes a penalty of license suspension or revocation or a fine of not less than \$1,000.00 or more than \$5,000.00 or both for violations of the type found in this case.

The treasurer of Licensee corporation, who was the wife of the vice president and the mother of the president died shortly before the incident involved in this case. She would normally have taken care of the license renewal and the payment of the license fee. In the confusion following her death, the matter of license renewal was, unfortunately, overlooked.

Under the circumstances of this case, the penalty imposed shall be a fine of \$1,000.00.

ORDER

THEREFORE, it is hereby ordered that Licensee SCHNOCH CORPORATION, pay a fine of \$1,000.00 within 20 days of the mailing date of this Order. In the event the aforementioned fine is not paid within 20 days from the mailing date of this Order, Licensee's license shall be suspended or revoked.

Jurisdiction is retained.

Dated this 19<sup>TH</sup> day of November, 2012.

A handwritten signature in cursive script, reading "Daniel T. Flaherty, Jr.", written over a horizontal line.

Daniel T. Flaherty, Jr., J.

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**MOTIONS FOR RECONSIDERATION CANNOT BE ACTED UPON UNLESS THEY ARE IN WRITING AND RECEIVED BY THE OFFICE OF ADMINISTRATIVE LAW JUDGE WITHIN 15 DAYS AFTER THE MAILING DATE OF THIS ORDER, ACCOMPANIED BY A \$25.00 FILING FEE.**

**IF YOU WISH TO APPEAL THE DECISION OF THE ADMINISTRATIVE LAW JUDGE'S ORDER, THE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE MAILING DATE OF THE ORDER. PLEASE CONTACT CHIEF COUNSEL'S OFFICE AT 717-783-9454.**

**Detach here and submit stub with payment**

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The fine must be paid by Cashier's Check, Certified Check or Money Order. **Personal and business checks are not acceptable unless bank certified.** Make guaranteed check payable to the Commonwealth of Pennsylvania and mail to:

PLCB-Office of Administrative Law Judge  
Brandywine Plaza  
2221 Paxton Church Road  
Harrisburg PA 17110-9661

IN RE: CITATION NO. 11-1890  
SCHNOCH CORPORATION